

Alabama Electronic Security Board of Licensure  
Board Meeting  
Tuesday, May 20, 2014, 9:30 a.m.  
AIDT Training Center  
15 Technology Court  
Montgomery, Alabama

Kristi Jennings, Chairperson, called the meeting to order at 9:40 a.m. at the AIDT Training Center, Montgomery, Alabama, as posted on the Secretary of State website. The meeting immediately followed the 9:30am Public Hearing on proposed changes to the Administrative Code, 304-X-1-.01 - .06. Ms. Jennings asked Lynne Taunton, Executive Secretary, to call the roll. Members present: Dallas Brooks, Sheriff James W. Johnson, Kristi Jennings, Joe Marsh and Scott Hunter. Stacia Robinson was the only member not present.

- I. Bettie Carmack, AG's Office, certified there was a quorum present.
- II.
  - A. Ms. Jennings asked Members to review an amendment to the minutes for the November 5, 2013, Board Meeting. The dates of the Board Meetings scheduled for 2014 were not included in the original minutes. A motion to approve the amended minutes was made by Mr. Brooks. The motion was seconded by Sheriff Johnson. Sheriff Johnson voted to approve, Ms. Jennings voted to approve, Mr. Brooks voted to approve, Mr. Marsh voted to approve and Mr. Hunter voted to approve.
  - B. Ms. Jennings asked members to review the minutes for the Tuesday, February 18, 2014 meeting. There being no discussion or questions, she called for a motion on the minutes. Motion to approve the minutes as written was made by Mr. Brooks. Second by Mr. Marsh. Sheriff Johnson voted to approve, Ms. Jennings voted to approve, Mr. Brooks voted to approve, Mr. Marsh voted to approve and Mr. Hunter voted to approve.
- III. Discussion of Relevant Concerns- Mr. Al Gibbs of AAA Alabama addressed the Board asking for clarification on the Board's position that towing companies needed to be licensed by the Board if they also, perform motor vehicle lockout service. Mr. Gibbs had previously obtained an opinion from the Legislative Reference Service which supported his position that a

license should not be required. The Board was provided a copy of a letter Mr. Gibbs had sent to Chairperson Kristi Jennings and a copy of the opinion from the Legislative Reference Service, along with a notice that had been posted on the AESBL web site explaining what Act# 2013-221 added to the AESBL law, Code of Alabama 1975, Section 34—1A and action taken by the Board at its November, 2013 meeting to clarify that picking and popping a lock by any means necessary to open the lock was considered to be servicing the lock.

Next, Mr. Ham Wilson, legal counsel of the Alabama Towing Association and Mr. Lynne Hurst, President of the association, both spoke to the same issue as Mr. Gibbs.

Mr. Lee Schofield, President of the Alabama Locksmith Association, spoke concerning the same issue stating that his organization was working on classifications of locksmiths and separate tests for each classification. He felt this might help in addressing the towing companies' concerns by allowing them to take a test just for motor vehicle locks and not become a full-fledged locksmith.

Ms. Carmack stated that she would recommend that the Board seek an Attorney General's opinion on the issue of whether or not it was intended for Act# 2013-221 to include picking and popping locks.

Shelton Mangum, A.J. Doody and one other person made comments.

#### IV. Discussion/Vote on Proposed Rules changes –

Ms. Jennings called on the Board Members asking if there was any discussion regarding the proposed changes to the Administrative Code, 304-X-1-.01 - .06. that had been discussed in the Public Hearing. There being no discussion, she called for a motion. Mr. Brooks made a motion to approve the rule changes as written. Second by Mr. Marsh. Mr. Brooks voted to approve, Ms. Jennings voted to approve, Sheriff Johnson voted to approve, Mr. Marsh voted to approve and Mr. Hunter voted to approve.



- V. In order to discuss the good name and character of four individuals, a motion was made to go into Executive Session for one hour and fifteen minutes, from 10:35 until 11:50a.m. by Ms. Jennings. It was also stated by Ms. Carmack that she and the Board would discuss whether or not the Board should seek an Attorney General's opinion regarding picking and popping locks. Second by Sheriff Johnson. Roll Call Vote: Mr. Brooks voted to approve. Ms. Jennings voted to approve. Sheriff Johnson voted to approve. Mr. Marsh voted to approve. Mr. Hunter voted to approve. Executive session was certified by Assistant Attorney General Bettie Carmack at 10:35a.m.

In Executive Session: Review of License Applications:

The Applications of four individuals were reviewed. The individuals were called in separately to be questioned by the board.

Motion was made to return to General Session by Sheriff Johnson. Second by Mr. Brooks. Mr. Brooks voted to approve, Ms. Jennings voted to approve, Sheriff Johnson voted to approve, Mr. Marsh voted to approve and Mr. Hunter voted to approve. The Board returned to General Session at 12:05p.m.

In General Session, 1. A motion was made by Mr. Marsh to approve the license application for Mr. Jeffery Coats pending his submission of a certificate showing successful completion of a sales training course in 2014. Second by Scott Hunter. Mr. Brooks voted to approve, Ms. Jennings voted to approve, Sheriff Johnson voted to approve, Mr. Marsh voted to approve and Mr. Hunter voted to approve.

2. Motion was made by Sheriff Johnson to approve the license application for Mr. Dennis Bodine pending his completion of probation and providing the AESBL with court documentation indicating that he is no longer on probation. Second by Mr. Hunter. Mr. Brooks voted to approve, Ms. Jennings voted to approve, Sheriff Johnson voted to approve, Mr. Marsh voted to approve and Mr. Hunter voted to approve.

3. Motion was made by Mr. Marsh to approve the license for Ms. Kerry Hatten pending her completion of the community service and providing

the AESBL with a court document stating that she is no longer on probation. Second by Sheriff Johnson. Mr. Brooks voted to approve, Ms. Jennings voted to approve, Sheriff Johnson voted to approve, Mr. Marsh voted to approve and Mr. Hunter voted to approve.

4. Motion was made by Mr. Marsh to table the discussion on Mr. Martin Norris' license application. Notice will be sent to him that action will be considered at the next Board meeting. Second by Mr. Hunter. Mr. Brooks voted to approve, Ms. Jennings voted to approve, Sheriff Johnson voted to approve, Mr. Marsh voted to approve and Mr. Hunter voted to approve.

VI. Training—

A. Ms. Jennings asked Board Members if there was any discussion or question pertaining to training material submitted by Elite CEU, Inc. for a Video Surveillance Systems certification course and, also, offering the thirteen (13) individual modules of the course as CEU credit courses. The certification course is to have a proctored exam. Mr. Matthew Dearmon, of Elite CEU, Inc. was present to answer any questions concerning the course. Motion made to approve the course for certification and the individual modules as CEU courses was made by Mr. Marsh. Second by Mr. Hunter. Mr. Brooks voted to approve, Ms. Jennings voted to approve, Sheriff Johnson voted to approve, Mr. Marsh voted to approve and Mr. Hunter voted to approve.

B. Ms. Jennings asked if there was any discussion or questions regarding the training material submitted by Bank Tec South for Six (6) CEU courses related to Video Surveillance System Design and Cameras. She pointed out that the Board had previously approved CEU courses for Bank Tec. There being no discussion or questions a motion was made by Mr. Hunter to approve the six courses. Second by Sheriff Johnson. Mr. Brooks voted to approve, Ms. Jennings voted to approve, Sheriff Johnson voted to approve, Mr. Marsh voted to approve and Mr. Hunter voted to approve.

VII. Licensing of Companies for 2014/2015 –

Ms. Jennings stated that Ms. Taunton had the 22-page list of all companies licensed for 2014/2015 which included the 342 companies that



had completed the licensing process since the February 18, 2014 meeting. A total of 607 companies had been licensed for 2014/2015 as of May 14, 2014. Ms. Jennings called for a motion on the 342 companies. Motion by Mr. Brooks to approve the companies. Second by Mr. Marsh. Mr. Brooks voted to approve, Sheriff Johnson voted to approve, Ms. Jennings voted to approve, Mr. Marsh voted to approve and Mr. Hunter voted to approve.

VIII. Licensing of Individuals for 2014/2015 –

Ms. Jennings stated that Ms. Taunton had the complete 125-page list of individuals that had completed the licensing process for 2014/2015. 1294 individuals had completed the process since the February 18, 2014 meeting. Ms. Jennings called for a motion on the 1294 individual licensees that have completed the licensing process since the February meeting. Motion to approve the licensees by Mr. Brooks. Second by Mr. Hunter. Mr. Brooks voted to approve, Ms. Jennings voted to approve, Mr. Hunter voted to approve, Sheriff Johnson voted to approve and Mr. Marsh voted to approve.

IX. Committee Reports-

A. The committee to review the adequacy of definition had made two recommended changes. However, since the Chairperson had decided that a review of the entire Administrative Code Chapter 304-X-1 was in order and to avoid the cost to the Legislative Reference Service of making only the two changes, a motion was made to table those changes by Mr. Brooks. Second by Mr. Marsh. Mr. Brooks voted to approve, Ms. Jennings voted to approve, Mr. Hunter voted to approve, Sheriff Johnson voted to approve and Mr. Marsh voted to approve.

B. The committee that had reviewed the process for handling unlicensed persons, as defined in the Administrative Code, Chapter 304-X-1-.01(22) in the version effective 12-24-2013, and made recommendations for changing the process to meet the requirements of the new Cease and Desist Orders section, 304-X-1-.07 of the Administrative Code that was added as a result of Act # 2013-221, created a new Cease and Desist document and proposed a new official seal that will be on the new Cease and Desist Orders. The seal will be added to other official documents of the AESBL as deemed necessary. A motion was made by Mr. Hunter to approve

the new procedures, the new Cease and Desist Order document with one addition—adding the word “immediately” so that the first sentence reads “...hereby ordered to, immediately, Cease and Desist...”, and to approve the new official seal of the Board. Second by Mr. Brooks. Mr. Brooks voted to approve, Ms. Jennings voted to approve, Mr. Hunter voted to approve, Sheriff Johnson voted to approve and Mr. Marsh voted to approve.

X. Other Business:

A. Consent Decree with GC&E: GC&E decided to continue operating in the state of Alabama and requested that the Consent Decree that it had signed and voluntarily surrendered its license be voided and its license be reinstated upon a new Qualifying Agent being licensed by the AESBL. Since the Decree had not been ratified by the Board, a motion was made by Mr. Brooks to not ratify the decree that had been signed by GC&E. Second by Mr. Hunter. Mr. Brooks voted to approve, Ms. Jennings voted to approve, Mr. Hunter voted to approve, Sheriff Johnson voted to approve and Mr. Marsh voted to approve.

B. Committee to review Chapter 304-X-1 of the Administrative Code along with Code of Alabama 1975 Section 34-1A-

A committee was appointed to review the Administrative Code, Chapter 304-X-1 to see what if any changes or additions need to be made to the rules of the AESBL. Appointees are Ms. Carmack, John David Orr (Locksmith), Mr. Hunter, Ms. Jennings and staff members. Motion to approve by Mr. Brooks. Second by Sheriff Johnson. Mr. Brooks voted to approve, Ms. Jennings voted to approve, Mr. Hunter voted to approve, Sheriff Johnson voted to approve and Mr. Marsh voted to approve.

C. Next Meeting Scheduled for Tuesday, August 19, 2014 was announced by Ms. Jennings.

Prior to adjourning, a motion was made by Mr. Brooks to enter into another Executive Session for thirty (30) minutes, until 1:05p.m. to consider whether or not the Board should seek an Attorney General’s opinion regarding picking and popping locks. Ms. Carmack had previously stated that the Board could enter Executive Session to confer with its legal counsel regarding the matter. Second by Mr. Marsh. Mr. Brooks voted to approve, Ms. Jennings voted to approve, Mr. Hunter voted to approve, Sheriff Johnson voted to approve and Mr. Marsh voted to approve. Ms. Carmack certified that the Board was in Executive Session at 12:35p.m. After



deliberating, a motion was made to exit Executive Session and return to General Session by Mr. Hunter. Second by Mr. Brooks. Mr. Brooks voted to approve, Ms. Jennings voted to approve, Mr. Hunter voted to approve, Sheriff Johnson voted to approve and Mr. Marsh voted to approve. Exited Executive Session at 1:18p.m.

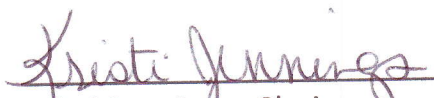
In General Session, Mr. Marsh made a motion for the board to enforce the law as written while seeking an Attorney General's opinion regarding picking and popping locks. The motion included that if a person holds themselves out to be a locksmith, they must be licensed which will exclude towing companies that do not advertise they provide locksmith services and do not charge for such service. Second by Mr. Hunter. Mr. Brooks voted to approve, Ms. Jennings voted to approve, Mr. Hunter voted to approve, Sheriff Johnson voted to approve and Mr. Marsh voted to approve.

Note: Sheriff Johnson left the meeting at 1:25p.m. A quorum was still present.

Following some comments from Mr. Al Gibbs, a motion was made to adjourn. Second by Mr. Hunter. Mr. Brooks voted to approve, Ms. Jennings voted to approve, Mr. Hunter voted to approve and Mr. Marsh voted to approve.

Meeting adjourned at 1:30pm.

Approved by Board on August 19, 2014.

  
Kristi Jennings, Chairperson

  
Lynne Taunton, Executive Secretary